



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

DOCKET NO.:SDWA-8-2001-08

IN THE MATTER OF:

HANNA TRUCKING, INC.

Respondent

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)  
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)

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

July 14, 2003  
DATE

SIGNED  
Alfred C. Smith  
Regional Judicial Officer

**UNITED STATES**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 8**

Docket No.: SDWA-8-2001-08

In the Matter of:	)	
	)	
Hanna Trucking, Inc.	)	<b>CONSENT AGREEMENT</b>
	)	
<b>Respondent.</b>	)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent Hanna Trucking, Inc. (Hanna), by their undersigned representatives, hereby consent and agree as follows:

1. EPA issued to Hanna a Proposed Administrative Order With Administrative Civil Penalty (PAO) dated March 1, 2001, pursuant to Section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c).

2. The PAO alleged that Hanna violated the SDWA by failing to close/retrofit or permit a Class V disposal system and therefore failed to prevent the movement of fluids containing any contaminant into an underground source of drinking water (USDW). EPA acknowledges that Hanna, subsequent to its receipt of the PAO, closed the Class V disposal system.

3. To resolve this matter, the parties agree to a settlement requiring the payment by Hanna of a civil penalty in

the amount of two thousand five hundred dollars (\$2,500.00). EPA finds this penalty amount is reasonable, taking into

consideration the statutory factors in Section 1423(c)(4)(B) of the SDWA. The penalty shall not be tax deductible by Hanna.

4. Hanna admits that EPA has the jurisdictional authority to issue the PAO and settle this case pursuant to this Consent Agreement, and also admits the remaining allegations, including the findings and alleged violations.

5. This Consent Agreement applies to and is binding upon EPA and upon Hanna and Hanna's heirs, successors and assigns. Any change in ownership or corporate status of Hanna including, but not limited to, any transfer of assets of real or personal property shall not alter Hanna's responsibilities under this agreement.

6. This Consent Agreement contains all the terms of the settlement agreed to by the parties.

7. Hanna consents and agrees that not more than 30 (thirty) days after the date of the signed Final Order in this matter, Hanna shall submit a cashier's or certified check in the amount of amount of two thousand five hundred dollars(\$2500.00), payable to "Treasurer, United States of America" to:

EPA - Region 8  
Regional Hearing Clerk  
Post Office Box 360859  
Pittsburgh, Pennsylvania 15251.

8. A copy of the check identified in Paragraph 7 shall be mailed to the following address:

Carol Bowden, 8ENF-T  
U.S. EPA, Region 8  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466.

9. Hanna further agrees and consents that if Hanna fails to pay the penalty in accordance to the terms of Paragraph 7, above, the full penalty amount proposed in the PAO (six thousand eight hundred dollars (\$6,800.00)) plus 2% interest, but minus payments made, if any, shall become due and owing by Hanna. A late payment charge of fifteen dollars (\$15.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of fifteen dollars (\$15.00) imposed for each subsequent 30-day period until the payment due is made.

10. Nothing in this Consent Agreement shall relieve Respondents of the duty to comply with the SDWA and its implementing regulations.

11. Failure by Hanna to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

12. Nothing in this Consent Agreement shall be construed as a waiver by the EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Hanna's failure to perform pursuant to the terms of this Agreement.

13. The undersigned representative of Hanna certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Hanna to those terms and conditions.

14. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

15. Each party shall bear its own costs and attorneys fees

in connection with this matter.

16. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full

satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the PAO.

**Hanna Trucking, Inc.**

Date: 6/30/03 By: SIGNED

Terry Hanna, Owner

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

Date: 7/11/03 By: A. M. Gaydosh for/

Carol Rushin

Assistant Regional Administrator

Office of Enforcement, Compliance

and Environmental Justice





## **CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **CONSENT AGREEMENT** in the matter of **HANNA TRUCKING, INC., DOCKET NO.: SDWA-8-2001-08** was filed with the Regional Hearing Clerk on July 14, 2003

Further, the undersigned certifies that a true and correct copy of the document was delivered to James Eppers, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Terry Hanna, Owner  
Hanna Trucking, Inc.  
P. O. Box 487  
Toronto, SD 27268

July 14, 2003

**SIGNED**

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Tina Artemis  
Regional Hearing Clerk

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE  
ON JULY 14, 2003.**